

## REMARKS

Claims are rejected and pending. Applicant has amended the claims and respectfully requests reconsideration and withdrawal of all rejections.

### Restriction Requirement

The Examiner is thanked for the courtesies extended to the undersigned during the teleconference on March 31, 2005. Regarding the restriction requirement discussed in the teleconference, Applicant acknowledges the election of claims 1-17 and the withdrawal of claims 18 and 19, as being directed to a non-elected invention.

### Drawing Objections

Figure 6 of the current application was objected to because the Examiner believed the cross-hatching was inaccurate. Applicant respectfully disagrees with the Examiner's position. In paragraph 0042 of the current application, Applicant states that "insert plate 90 may be made of any suitable material that can be easily inserted into slot 42 . . . [f]or example, insert plate 90 may be made of rubber or plastic." In paragraph 0041, Applicant states that "[b]oth coping 40 and reversible track 60 may be made of any suitable material, such as extruded aluminum or extruded plastic." Applicant also stated that "[o]ther metal such as steel and copper may also be used." Applicant submits that the cross-hatching shown in Fig. 6 is consistent with one of the listed materials for insert plate 90. Additionally, the cross-hatching shown in Fig. 6 is consistent with the cross-hatching of insert plate 90 in Figs. 2, 3, 7, and 8. Accordingly, Applicant respectfully requests removal of the objection to Fig. 6.

The drawings were objected to under 37 C.F.R. 1.83(a) for failing to show every feature of the invention specified in the claims. Particularly, the Examiner stated that the "wedge" claimed in claim 3 was not shown. Applicant respectfully disagrees with the Examiner's assertion. Applicant alternatively referred to insert 90 as a plate or a wedge (Paragraph 0042). A common definition for the term "wedge" is "thick at one edge and tapered to a thin edge at the other." See *The American Heritage® Dictionary of the English Language*, Fourth Edition, 2000. Due to the marginal change in thickness over the length of the "wedge," Applicant submits that Fig. 6 of the current application adequately illustrates an end view of a "wedge." Therefore, removal of the objection to the drawings is respectfully requested.

### Objections to the Specification

Paragraphs 0037 and 0045 of the specification have been amended to correct the informalities specified by the Examiner. Additionally, claims 1, 11, and 12 have been amended to correct informalities specified by the Examiner. Therefore, removal of the objections to the specification is respectfully requested.

### Rejections to the Claims

Claims 1 and 6-11 were rejected under 35 U.S.C § 112, first paragraph, for lacking enablement in the specification. The Examiner stated that the specification enabled use of a track and coping assembly with an insert plate but did not enable use of a track and coping assembly without an insert plate. Applicant respectfully disagrees with the Examiner's position. Applicant in paragraph 0036 states that insert 90 is permitted but not required. Referring to Figs. 4 and 5 of the current application, it is inherent that height  $b_1$  of reversible track 60 may be equal to the height  $b$  of slot 42 of coping 40 allowing reversible track 60 to couple to coping 40 without insert 90. It is an obvious design choice for one of having ordinary skill in the art to construct coping 40 with a slot 42 having a height substantially similar to or equal to the height of reversible track 60 rather than to construct reversible track 60 with a height less than the height of slot 42 requiring the use of insert 90. Therefore, Applicant respectfully requests removal of the rejections to claims 1 and 6-11.

Responsive to the rejection of claims 1-17 under 35 U.S.C. §102(a/e) as being anticipated by U.S. Patent No. 6,496,990 to Last (hereinafter "Last"), Applicant respectfully submits that claims 1-17 are distinguishable from Last.

Applicant respectfully submits that Last does not disclose a first opening "defining a first configuration adapted to receive a first rope arrangement" and a second opening "defining a second configuration adapted to receive a second rope arrangement, said second rope arrangement being different from the first rope arrangement" as claimed in amended claim 1. An example of one rope arrangement including a slider or lead guide is discussed in paragraph 0047 and shown in Fig. 7 of the current application. Another example of a different rope arrangement that does not include a slider is discussed in paragraph 0051 and shown in Fig. 8. Paragraph 0052 of the present application also discusses other known rope arrangements, including, but not limited to, reinforcement materials or wheels with the rope. The openings 17 and 21 of channels 16 and 19, respectively, shown in Fig. 3A of Last appear to be identical to each other and only

adapted to receive a single rope arrangement. Therefore, Applicant respectfully requests removal of the rejections to claim 1. Accordingly, claims 2-11 which depend either directly or indirectly from claim 1 are believed to be in condition for allowance. Such allowance is respectfully requested.

Regarding independent claim 12, Applicant respectfully submits that Last does not disclose a "second channel having a second opening and a rope passage" in which the second opening "defin[es] a perimeter configured to complement the slider" as claimed in amended claim 12. Neither slot opening 17 nor slot opening 21 of channels 16 and 19, respectively, defines a perimeter configured to complement a slider attached to a pool cover. Therefore, Applicant respectfully requests removal of the rejections to claim 12. Accordingly, claims 13-17 which depend either directly or indirectly from claim 12 are believed to be in condition for allowance. Such allowance is respectfully requested.

### CONCLUSION

Applicant believes that the application, as amended, is now in allowable form and action toward that end is respectfully requested. If any issues remain that can be resolved by telephone, Examiner is invited to call the undersigned attorney.

In the event that Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0390, BAKER & DANIELS.

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| <p align="center"><b>CERTIFICATE OF MAILING</b><br/>(37 C.F.R. § 1.8(a))</p> <p>I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the address above on the date indicated below.</p> <p>July 7, 2005</p> <p>By: <u>Kay Van Duesen</u><br/>Kay VanDuesen</p> |
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Respectfully Submitted,

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